

REMARKS

Upon entry of the present amendment, claims 1-24, 26, 33, 35 and 37 will be pending. Claim 30 is presently canceled, and claims 25, 27-29, 31, 32, 34 and 36 were previously canceled. Claim 37 is new. No new matter is added by the present amendment.

Interview Summary

Applicant's representative, Mr. Kenneth Eiferman, and Examiner Mehmood B. Khan participated in a telephonic interview on January 19, 2009, to discuss to discuss the claim amendments and remarks herein. The Examiner agreed to reconsider the rejections in view of the claim amendments and remarks herein.

Claim Objections

Claims 6, 7 and 10 are hereby amended to correct informalities serving as the basis for claim objections listed in the Office Action.

Claim Rejections – 35 USC §103

Claims 1-3, 5, 6, 8, 9-12, 14, 15, 18, 24, 30 and 35

Claims 1-3, 5, 6, 8, 9-12, 14, 15, 18, 24, 30 and 35 stand rejected under 35 USC §103(a) as allegedly being unpatentable as obvious over US Patent No. 6,973,333 (hereafter "O'Neil") in view of US Patent Application No. 2005/0285954 (hereafter "Watanabe"). Applicant respectfully traverses.

Independent claims 1 and 35, in part, recite "determining *based on a comparison of geographic coordinates* whether the portable digital device is within a specific geographic region around another portable digital device."

O'Neil is directed to modification of mobile device operation in vehicles. In particular, O'Neil discloses modified operation of mobile devices that have "identified themselves to the in-vehicle system" as being within a vehicle (Col. 13, ll. 49-50). Thus, in O'Neil, mobile devices are determined to be within a vehicle *simply by identifying themselves as being within a vehicle*. Because a vehicle is a physical object, it can be easily determined (*e.g.*, determined visually) whether or not a mobile device is inside or outside of a

vehicle. Thus, O'Neil discloses that mobile devices are determined to be within a vehicle by identifying themselves as being with a vehicle rather than through a comparison of geographic coordinates.

Although O'Neil mentions the use of GPS information, the GPS information in O'Neil is used to determine whether the vehicle is in a fixed "jamming region" in which restrictions on mobile devices are imposed. The Abstract of O'Neil clearly states "using a global position system (GPS) device to determine the location of a vehicle in relation to geographic regions in which legal or customer restrictions on cellular telephone use are to be imposed." The jamming region in O'Neil is a *fixed* region that does *not* move or change dependent on the location of any vehicle or portable device. Rather, in O'Neil, vehicles may move in and out of the jamming region as they travel. Thus, O'Neil does not teach or suggest "determining based on a comparison of geographic coordinates whether the portable digital device is within a specific geographic region around another portable digital device," as recited in claims 1 and 35. Watanabe similarly fails to teach or suggest this feature.

Accordingly, independent claims 1 and 35 are believed to be nonobvious over the cited references. Claims 2, 3, 5, 6, 8, 9-12, 14, 15, 18 and 24 are dependent on claim 1 and are also believed to be nonobvious over the cited references for at least the reasons set forth above. Independent claim 30 is hereby canceled rendering its rejection moot. Withdrawal of the rejections of claims 1-3, 5, 6, 8, 9-12, 14, 15, 18, 24, 30 and 35 as being unpatentable as obvious is thus appropriate and is solicited.

New independent claim 37 includes similar feature as claims 1 and 35. Thus, Applicant submits that claim 37 is patentable for at least the reasons set forth above.

Dependent claims 4, 7, 13, 16, 17, 19-23

Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O'Neil in view of US 5,901,342 (hereafter "Heiskari"). Claim 7 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O'Neil in view of US Patent Application No. 2008/0051105 (hereafter "Fomukong"). Claim 13 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O'Neil in view of Watanabe in view of EP 1139684 A1 (hereafter "Cho"). Claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O'Neil in view of Watanabe

in view of US 6,829,429 (hereafter “Aerrabotu”). Claims 17, 19, and 21-22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O’Neil in view of Watanabe in view of US 2006/0281450 (hereafter “Cocita”). Claims 20 and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O’Neil in view of Watanabe in view of Cocita and US 2001/0018742 (hereafter “Hirai”). Applicant respectfully traverses.

Claims 4, 7, 13, 16, 17, 19-23 are believed to be allowable by virtue of their respective dependencies directly or indirectly from independent claim 1. None of the cited secondary references is alleged, or is believed by Applicant, to disclose “determining based on a comparison of geographic coordinates whether the portable digital device is within a specific geographic region around another portable digital device,” as recited in claim 1. Withdrawal of the rejections of claims 4, 7, 13, 16, 17, 19-23 as being unpatentable as obvious is thus appropriate and is solicited.

Claim 26

Claim 26 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable as obvious over O’Neil in view of Hirai. Applicant respectfully traverses.

Claim 26, in part, recites “the first portable digital device sending an inhibiting signal to the second portable digital device to inhibit the attempted transmission of data including the source-identifying signal by said second portable digital device when *it is determined based on a comparison of geographic coordinates that* said second portable digital device is located in said specific geographic region around said first portable digital device.”

As set forth above with respect to the rejections of independent claims 1 and 35, O’Neil fails to teach or suggest determining based on a comparison of geographic coordinates that said second portable digital device is located in said specific geographic region around said first portable digital device. Hirai similarly fails to teach or suggest this feature.

Accordingly, independent claim 26 is believed to be nonobvious over the cited references. Withdrawal of the rejection of claim 26 as being unpatentable as obvious is thus appropriate and is solicited.

Claim 33

Claim 33 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable as obvious over Cho in view of Hirai. Applicant respectfully traverses.

Claim 33, in part, recites “enabling operation of said imaging function in response to an interrogation or enabling signal from a central station.” The Office Action cites Cho as allegedly teaching this feature. Cho discloses entrance and exit signals for alerting a device when it is entering or exiting an area in which *transmissions* are inhibited. Cho does not teach or suggest that the exit signal causes any *imaging* related functions to be performed. In fact, the Office Action fails to provide any citation to where Cho even mentions the concept of an imaging function. Hirai similarly fails to teach or suggest “enabling operation of said imaging function in response to an interrogation or enabling signal from a central station,” as recited in claim 33.

Accordingly, independent claim 33 is believed to be nonobvious over the cited references. Withdrawal of the rejection of claim 33 as being unpatentable as obvious is thus appropriate and is solicited.

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Conclusion

For at least the reasons set forth above, the claims are believed to distinguish over the cited prior art and to be in condition for allowance. A Notice of Allowability is solicited.

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